

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN ERIC BENNETT,

Plaintiff,

v.

Case No. 4:17-cv-12249
District Judge Matthew F. Leitman
Magistrate Judge Anthony P. Patti

O'BELL T. WINN, *et al.*,

Defendants.

/

ORDER DENYING IN PART AND RESOLVING IN PART PLAINTIFF'S AMENDED MOTION TO COMPEL DISCOVERY RESPONSES (ECF No. 89)

This matter came before the Court for consideration of Plaintiff's amended motion to compel discovery responses (ECF No. 89), Defendants' response in opposition (ECF No. 92), Plaintiff's reply (ECF No. 93), and the parties' joint statement of unresolved issues (ECF No. 95). Judge Leitman referred the motion to me for a hearing and determination. (ECF No. 90.) A hearing was held on February 10, 2022, at which counsel for both parties appeared and the Court entertained oral argument regarding the motion.

Upon consideration of the motion papers and oral argument, and for all of the reasons stated on the record by the Court, which are hereby incorporated by reference as though fully restated herein, Plaintiff's motion to compel discovery responses (ECF No. 89) is **DENIED IN PART** and **RESOLVED IN PART**.

Insofar as Plaintiff seeks to compel responses to Request for Production Nos. 21 and 22 in his Second Set of Discovery Requests (*see* ECF No. 82-2, PageID.1759-1760), that part of the motion is **DENIED WITHOUT PREJUDICE** to the parties' effort to resolve the issue through the newly-filed motion for protective order and to quash (ECF No. 96). Insofar as Plaintiff seeks to compel a response to Request for Production No. 2 in his First Set of Discovery Requests (*see* ECF No. 82-5, PageID.1772-1773), the parties stipulated on the record to the following language, after the Court ruled on scope and gave further guidance, as follows:

Defendants shall produce all Critical Incident Reports and related writings from November 2012 to November 2018 regarding violence against inmates, including gang-related assaults and violence against staff members involving weapons.

Personal identifying information regarding staff members other than names shall be redacted.

Personal identifying information regarding prisoner victims up to January 10, 2014, shall be produced pursuant to protective order.

Personal identifying information for prisoner victims after January 10, 2014, shall be redacted.

These Critical Incident Reports should include those occurring in Housing Unit #600 and all gang-related assaults or stabbing incidents perpetrated by prison gangs.

Defendants must **PRODUCE** the above documents by **Thursday, March 3, 2022**.

The Court awards no costs, neither party having prevailed in full. Fed. R. Civ. P. 37(a)(5)(C).

IT IS SO ORDERED.

Dated: February 10, 2022

APP. 2

Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE